

1 THE HONORABLE JOHN C. COUGHENOUR  
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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

v.

12 BOBBY JOE CREDIT, JR.,

13 Defendant.

14 CASE NO. CR17-0005-JCC

MINUTE ORDER

15 The following Minute Order is made by direction of the Court, the Honorable John C.  
16 Coughenour, United States District Judge:

17 This matter, comes before the Court on the parties' Stipulated Motion for an Order  
18 Releasing Evidence (Dkt. No. 20). Having considered the stipulation of the United States of  
19 America, by and through Jessica M. Manca, Special Assistant United States Attorney for the  
20 Western District of Washington, and Defendant Bobby Joe Credit, through his attorney,  
21 Mohammad A. Hamoudi, the Court GRANTS the parties' motion and hereby orders as follows:

22 1. The Seattle Police Department, with the assistance of Detective Benjamin Hughey,  
23 shall make available for release the following items of evidence from SPD Incident  
24 Number 2016-53848:

25 (a) **Evidence Item 625375-1:** Three (3) DNA swabs from the trigger, grip,  
26 magazine, and slide areas of Evidence Item 623484-1 (Springfield Armory

1 .40-caliber semi-automatic pistol bearing Serial Number US254377); and  
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3 (b) **Evidence Item 623558-1:** DNA Sample for Bobby Joe Credit.

4 2. Detective Hughey shall release the above-listed evidence directly to defense  
5 investigator Chuck Formosa within seven (7) days of this Order.

6 3. The above-listed evidence will then be transported by the defense to the DNA  
7 Diagnostics Center in Fairfield, Ohio for independent DNA testing.

8 4. The DNA Diagnostics Center will attempt to preserve at least half of any DNA  
9 extracted during its analysis. The DNA Diagnostics Center will not consume DNA  
10 extracted from **Evidence Item 625375-1** without prior written authorization from the  
11 United States Attorney's Office. The United States Attorney's Office will agree to  
12 consumption if the DNA Diagnostics Center certifies that consumption of the sample  
13 is necessary to produce a scientifically reliable result. To the extent that any DNA  
14 extract remains after testing, it shall be preserved and returned to the Seattle Police  
15 Department.

16 5. The DNA Diagnostics Center will return the above-listed items of evidence and any  
17 remaining DNA extract directly to Chuck Formosa immediately upon completion of  
18 testing, and Chuck Formosa will return the evidence directly to Detective Benjamin  
19 Hughey with the Seattle Police Department.

20 6. Chuck Formosa will work directly with Detective Benjamin Hughey of the Seattle  
21 Police Department to arrange a reasonable time schedule for the release and return of  
22 the above-listed items of evidence.

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1 IT IS STIPULATED by the parties that the defense waives any objection based on chain  
2 of custody from the time that Chuck Formosa receives the evidence from the Seattle Police  
3 Department until he returns the evidence to the Seattle Police Department.

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5 DATED this 1st day of March 2017.

6 William M. McCool  
7 Clerk of Court

8 /s/Paula McNabb  
9 Deputy Clerk